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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/075,970	02/14/2002	Michael Helmus	01-202	9278		
27774 75	27774 7590 . 07/01/2004			EXAMINER		
MAYER, FOR	RTKORT & WILLIA	HO, UYEN T				
251 NORTH AVENUE WEST						
2ND FLOOR			ART UNIT	PAPER NUMBER		
WESTFIELD,	NJ 07090		3731			

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Carminer (Jackle) Tan-Uyen T. Ho	·		Application No.	Applicant(s)	9			
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Priorid for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(6) FROM THE MAILING DATE OF THIS COMMUNICATION. Edenticate of their map by available under the procision of 3 CFR 1.35(6), in no event, however, may a reply be timely filed in the priority for reply repetite before the procession of 3 CFR 1.35(6), in no event, however, may a reply be timely filed in the priority for reply repetite before the priority of the priority for reply repetite before its than their (20) days, a reply within the satisfactory priority in the priority of reply is specified above. In anxiamms distudy priority by and will explose (5) (MONTH's form the making date of this communication, 1 in the priority of reply is specified above. In anxiamms distudy priority by priority and will reply set (5) (MONTH's form the making date of this communication, even't timely rise, may return adjustment. See 37 CFR 1.704(6). Status 1)⊠ Responsive to communication(s) filed on 14 February 2002. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)⊗ Claim(s) 1-44 Is/are rejected. 5)□ Claim(s) 1-44 Is/are rejected. 7)□ Claim(s) 1-44 Is/are rejected. 7)□ Claim(s) 1-44 Is/are rejected. 9)□ The specification is objected to by the Examiner. 4)politant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2)□ All b)□ Some * c)□ None of: 10)□ Acknowledgment is made of a claim for foreign priori		Office Action Summary	Examiner	Art Unit				
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-8, 12-15, 16-29, 33-34, 36-37, 39-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Turnlund et al. (5,629,077).

Turnlund et al. disclose a stent as claimed including a biodegrable inner material (10) and a biodegradable covering materials (28, 29), the covering material (28) is selected for their ability to reinforce the inner material (10, col. 6, line 29-51, also see 5 to col. 7 for the stent materials as claimed).

Note: The introductory statement of intended use and all other functional statements have been carefully considered but are deemed not to impose any structural limitations on the claims distinguishable over the Turnlund et al.'s device which is capable of being used as claimed if one desires to do so.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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or polymer, monofilament or multifilament.

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4. Claims 9-11, 30-32, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnlund et al. '077. Turnlund et al. do not disclose the inner member (10) comprising the inner materials as claimed. However, the materials of the inner member as claimed are well known in the art. Therefore, it would have been obvious matter of design choice to modify Turnlund et al.'s inner member by having the inner member made from materials as claimed, since the applicant has not disclose that having such materials solves any stated problem or is for any particular purpose and it appears that the stent would perform equally well with either materials, metallic, ceramic

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is (703) 306-3421. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, McDermott or Shaver can be reached on 703-308-0858. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

(Jackie) Tan-Uyen T. Ho

Patent Examiner Art Unit 3731

June 26, 2004